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November 28, 2023

VIA ECF

Hon. Arun Subramanian
United States District Court Southern
District of New York
500 Pearl Street, Courtroom 15A
New York, NY 10007

Re: *E.L., et al., v. New York City Department of Education, et al.*
23-cv-2560 (AS)

Dear Judge Subramanian:

Please be advised that this firm represents the Plaintiffs in the above action. Plaintiffs brought this action seeking enforcement of various underlying administrative orders as well as attorneys' fees, costs and expenses for legal work on multiple cases under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq. (IDEA), as well as for this action.

With Defendants' consent, Plaintiffs respectfully write to request a 90-day extension of time for the submission of the Plaintiffs' Motion for Summary Judgment, currently due on November 30, 2023 pursuant to the Court's Order dated August 28, 2023 (Dkt. No. 28) to February 28, 2024, and an equivalent extension of any subsequent briefing deadlines, including Defendants' deadline to oppose Plaintiffs' motion and/or to cross-move for summary judgment and Plaintiffs' reply to Defendants' opposition and/or response to Defendants' cross motion. Plaintiffs' Complaint (ECF No. 1) indicated the following amounts were outstanding:

- 2017-19 school year: \$38,180.00 for tutoring services between September 1, 2017 to June 30, 2019 due to plaintiffs
- 2019-20 school year: \$53,550.00 for tuition costs for S.L.'s enrollment at the Shefa School

To date, Defendant New York City Department of Education ("DOE") has issued payments in the following amounts:

- 2017-19 school year: \$19,025.00 for tutoring services
- 2017-19 school year: \$250.00 was authorized for reimbursement by the implementation unit within the DOE on November 20, 2023, payment is not received to date (see below)

- 2019-20 school year: \$43,550.00 direct funding to the Shefa School and \$10,000.00 reimbursement to plaintiffs

The parties have resolved the bulk of Plaintiffs' implementation claims. Of particular note, Defendant DOE's Implementation Unit ("IU") has authorized and issued payment in connection with most of Plaintiffs' reimbursement requests. There are two requests for which DOE will not issue payment, whether in full or in part: (1) reimbursement in the amount of \$7,295.00 for tutoring services provided by tutor S.G., because DOE states that "the IHO did not award payment for Hebrew services"; and (2) reimbursement in the amount of \$7,350.00 for tutoring services provided by tutor C.N., because DOE states that most of the proof of payments provided in connection with that request lack the information that DOE's Implementation Unit ("IU") requires. The parties have conferred regarding these matters, and Plaintiffs do not dispute DOE's stance. Moreover, DOE has authorized payment for that portion of the reimbursement request for tutor C.N.'s services for which Plaintiffs' proof of payment accords with IU's requirements. That is the only outstanding payment, and DOE reports that that absent any unforeseen issue, the payment will likely be issued by the end of this week.

Upon receipt of the one payment that remains outstanding, the only remaining unresolved claims will relate to Plaintiffs' request for attorneys' fees, costs and expenses for legal work on the administrative cases under the IDEA, as well as for this action. The 90-day extension of time now requested will allow Plaintiffs time to provide their settlement demand and supporting documents to defendant and will allow Defendants time to analyze those materials, request and obtain settlement authority, and provide an offer. This is Plaintiffs' first such request for adjournment of the submission of Plaintiffs' Motion for Summary Judgment and related briefing deadlines.

Accordingly, the Plaintiffs propose that the parties submit a joint status letter with the Court on or before December 20, 2023 confirming that the final reimbursement payment was received, and Plaintiffs respectfully request a 90-day extension of time for the submission of the Plaintiffs' Motion for Summary Judgment, currently due on November 30, 2023, to February 28, 2024, and an equivalent extension of any subsequent briefing deadlines, including Defendants' deadline to oppose Plaintiffs' motion and/or to cross-move for summary judgment and Plaintiffs' reply to Defendants' opposition and/or response to Defendants' cross motion. Defendants consent to this request.

Thank you for the Court's patience while the parties continue to work to resolve this case.

Respectfully submitted,

s/
Irina Roller
Attorney for the Plaintiffs

Cc: Darian Alexander, Esq. (via ECF)

Application GRANTED. No further extensions. If the parties are unable to resolve this matter, they must move for summary judgment by February 28, 2024.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: November 29, 2023